IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.6666 OF 2002

Anil Vora of M/s.Vora Construction).. Petitoner

Versus

The Regional Labour Commissioner)
(Centra) Mumbai and others).. Respondents

Mr.H.R.Sharma for the Petitioner.

Mr.R.C.Master for Respondent Nos.1 and 3.

Respondent Nos.2 and 4 formal parties.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 11TH AUGUST 2004

P.C.:

. This Petition arises against the order of the Appellate Authority under the Minimum Wages Act. The authority has directed the Petitioner to pay an amount of Rs.8,044/- by demand draft towards the minimum wages of the four workmen plus penalty for the like amount. It is the case of the Petitioner that he was unable to remain present before the authority in view of the fact that the notice of hearing dated 21st May 2002 was received by him after the date fixed for hearing which was 29th May 2002. In these circumstances, the Petitioner submits that the order of the Appellate Authority be set aside and the authority be directed to hear him afresh.

2. The authority has refused to allow the application made by the Petitioner for setting aside its order by holding that he does not have the jurisdiction to set aside an order once it is passed.

3. With a view that justice be done in the matter, the order passed by the Appellate Authority dated 22nd September 2002 in MCA No.66 of 2001 is set aside. The amount payable under this order has already been deposited by the Petitioner with the authority. The authority will give a fresh hearing to the Petitioner, who will remain present before the authority on 30th August 2004 at 11.00 a.m. at their office at Shramraksha Bhavan, Sion, Mumbai.

4. Writ Petition disposed of accordingly.